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| MICHIGAN DEPARTMENT OF CORRECTIONS POLICY DIRECTIVE | EFFECTIVE DATE 02/28/2022 | NUMBER 04.06.158 |
| SUBJECT DEAF AND/OR HARD OF HEARING PAROLEES AND PROBATIONERS | SUPERSEDES Use of Interpreters WS (01/01/2013) | |
| | AUTHORITY MCL 393.502, 393.503, 393.503a | |
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POLICY STATEMENT:

Deaf and/or hard of hearing parolees and probationers shall be provided their primary method of communication and necessary accommodations during pre-sentence investigations, violation hearings, as well as routine supervision. The Michigan Department of Corrections (MDOC) shall ensure they have full and equal access to the same programs, activities, services, and accommodations available to non-deaf and/or non-hard of hearing offenders.

POLICY:

DEFINITIONS

- A. Auxiliary Aids and Services: Aids and services that include, but are not limited to, qualified interpreters or effective methods of making aurally materials available to offenders with hearing impairments such as hearing aids.
- B. Effective Communication: Means of communication with deaf and/or hard of hearing offenders and will, when necessary, include the provision of appropriate auxiliary aids and services.
- C. Lipreading and Speechreading: Understanding a spoken message by observing a speaker's lips, face, expression, and body language; attending to relevant cues in the environment; and using knowledge of the rules of English and principles of interpersonal communication.
- D. Primary Method of Communication: A method of communication that the offender has the ability to give and receive information based on their reported or perceived physical abilities and degree of hearing loss and may include American Sign Language, written communication, verbal communication with or without hearing aids, and lip reading.
- E. Qualified Interpreter: A person who is able to interpret effectively, accurately, and impartially, both receptively and expressively, with an individual deaf and/or hard of hearing offender using any necessary specialized vocabulary; and must hold a valid certification from the National Registry of Interpreters for the Deaf or the National Association of the Deaf.
- G. Secondary Method of Communication: A method of communication that may be used in encounters if the primary method of communication is not available.

GENERAL INFORMATION

- H. Reasonable accommodations such as qualified interpreter shall be made available to offenders who are deaf and/or hard of hearing during supervision orientation or regular office visits as needed. Staff shall follow the instructions below when communicating with offenders up to the use of a qualified interpreter during pre-sentence investigations, routine supervision, and violation proceedings.

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- I. Staff shall ensure that effective communication occurs with all offenders. If an offender is deaf and/or hard of hearing and requires professional assistance to achieve effective communication, the Supervisor shall consult with the Region Manager concerning the need for an interpreter. The Region Manager shall contact the FOA Financial Specialist/Designee who shall coordinate obtaining the services of an interpreter. Once approved, unless new information arises, the services shall continue through the offender's parole or probation supervision.
- J. Offenders may identify a primary method of communication. Agents shall document in the Department's computerized database (DCD) the offender's primary method of communication.
- K. Offenders who use lipreading and speechreading to effectively communicate as a primary or secondary method of communication do not necessarily need an interpreter to successfully communicate. In most encounters, offenders utilizing this method of communication will be able to communicate directly to the staff. However, due to unavoidable barriers (e.g., a mustache, protective masks, accents, or other physical characteristics) there may be times when staff are not able to effectively communicate using this method and shall request another staff member to assist with effectively communicating with the offender.
- L. Information related to an offender being deaf or hard of hearing shall be documented in the Parole Eligibility Report (CSJ-123). If there is nothing noted in the CSJ 123, and staff believe the offender is deaf and/or hard of hearing, the Agent shall contact the facility or Statewide Offender ADA Coordinator.
- M. An offender who is deaf and/or hard of hearing and whose primary method of communication is ASL (or Oral Transliteration (OTC) if needed) shall be provided an interpreter at parole revocation hearings, including preliminary parole violation hearings. A request for an interpreter for a parole revocation hearing shall be made through the Correctional Facility.
- N. The primary method of communication shall be used in all instances in Paragraph I of this policy unless the communication method is not available, and/or an equally effective communication method is available. If possible, these interactions shall be re-scheduled when the primary method is available. In all cases, if the secondary method of communication is used in encounters in Paragraph O, staff shall document in the DCD why the primary method was not used.

EFFECTIVE COMMUNICATION

- O. Any person-to-person communication with a deaf and/or hard of hearing offender noted below shall be documented in the DCD. The documentation shall note the offender's primary method of communication, what method of communication was used, and why the secondary method was used in accordance with Paragraph N.
 - 1. Communications to, and interviews with, offenders for presentence investigations, supervision orientations, routine supervisions contacts, preliminary parole violation hearings, parole revocation hearings, etc.
 - 2. Communications to, and interviews with, offenders during the grievance process and PREA complaints.
 - 3. During offender orientation.
 - 4. Any other significant communications that are not discussed in 1-3 above that

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would otherwise be communicated to an offender that is not deaf or hard of hearing. A significant communication includes any communication for which the risks of miscommunication or misunderstanding are significant, and the consequences of miscommunication/misunderstanding would have significant negative repercussions for the deaf and/or hard of hearing offender.

PROCEDURES

- P. If necessary, to implement requirements set forth in this policy directive, the FOA Deputy Director shall ensure that procedures are developed or updated.

AUDIT ELEMENTS

- Q. A Primary Audit Elements List has been developed and is available on the Department's Document Access System to assist with self-audit of this policy pursuant to PD 01.05.100 "Self-Audits and Performance Audits."

APPROVED: HEW 01/10/2022